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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>19 June 2008</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-25 and 29</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-25 and 29</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date ._____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the following communications: Arguments filed 6/19/2008.

This action is made final.

2.   Claims 1-25, 29 are pending in the case. Claims 1, 2, 22, 23, 24, and 29 are the independent

claims. Claims 26-28 are cancelled. Claim 29 is new.

Claim Rejections - 35 USC § 102

3.   **The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the**

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b),
by another filed in the United States before the invention by the applicant for patent or (2) a
patent granted on an application for patent by another filed in the United States before the
invention by the applicant for patent, except that an international application filed under the treaty
defined in section 351(a) shall have the effects for purposes of this subsection of an application
filed in the United States only if the international application designated the United States and
was published under Article 21(2) of such treaty in the English language.

4.   **Claims 1-2, 9-11, 14-15, 20-21, 24-25, 29 are rejected under 35 U.S.C 102(e) as being**

anticipated by Bates et al. (hereinafter Bates) U.S. Patent No. 5877766 issued Mar. 2, 1996

and filed Aug. 15, 1997.

With regard to **Independent claim 1,** Bates teaches a system for navigating and browsing

electronic media, comprising:

- *A device enabling viewing of digitally stored information, the device being configured to*

    display at least portions of a categorization structure having a plurality of nested

    cascading category levels (Bates, column 6, lines 30-36) Bates shows a nested

    categorization structure with connected nodes. Bates shows the media items in a nested

    in structure (see figure 1). Bates teaches a parent child node structure where Parent

    nodes are displayed as bars and child nodes extend from the bars and represented by

    circles on the bars see column ten lines 25 -60. Bates teaches that each node in the

structure are represented as HTML documents and can represent a variety of media

types (See column 13, lines 20-35). The nodes are linked by association either directly or

indirectly and are represented as such through a series of interconnected linkages.

Bates further teaches the structure can be applied to databases and **menu systems**

(See column 6, lines 60-67).

- *Each category level of the plurality of nested cascading category levels comprising a*

  *plurality of category titles of electronic media content stored on a storage device (*Bates

  column 6, lines 35-60) Bates shows the linked objects can be multimedia items consisting

  of moving images, sounds, animations, HTML documents etc. Bates further teaches the

  linked records can be a vocal or on a wide area network and show information from a

  database or menu system (See Column 6, lines 60 – 67 and column 13, lines 20-35).

- *Each category title having a selectable link-token to the stored content for said each*

  category title, (Bates column 10, lines 25-41 and column 22, lines 1-15 and column 32,

  lines 49-60) Bates teaches that the link elements are html pages and are selectable items

  and a stored content within a map to and allow the user to browse a data structure. Each

  node represents stored content (See column 9, lines 10-25) and can be browsed as the

  user desires (See column 22, lines 1-10 and a user can select a node down in the map

  through a user click to see the information for the given node and then select a node

  higher in the map to see that node (See column 24, lines 47-55 and column 23, lines 40-

  50), which in the examiners opinion, provides a mechanism for the user to browse from

  any node to any other node in the map.

- *Each category title also being coupled to the category title's hidden nested subcategory*

  structure of said each category title, the hidden nested sub-category structure of said

  category title comprising link tokens of category titles comprised in said each category

  title and the category titles in the different plurality of category levels able to be browsed

  independently of having to select and retrieve the stored content for any title from the

  storage device (Bates column 22, lines 1-15 and column 23, lines 40-50 and column 24,

lines 47-55 and column 26, lines 60-67 and column 27, lines 1-35 and column 29,lines

50-67). Bates teaches several different mechanisms for allowing the user to select a

node, which can be a subject matter specific node on the map that represents another

sub-map. Bates teaches the node could be a minimized collection of sites that are not a

frequently used and iconified. Further, Bates teaches the ability to link subject specific

maps to one another even if there isn't a specific link to the map and iconifying the

subject specific info, which is a hidden structure that can be retrieved with a single or

double click (See column 29, lines 35-41).

- Wherein the categorization structure enables a user viewing content from **any** category

    title in the categorization structure to retrieve content of any other category title in the

    categorization structure using a single retrieve command (See Bates figure 1). Bates

    clearly teaches the user can view content in one node, via the opened browser (See

    column 9, lines 10-25) and can select through a click (See column 22, lines 1-10 and

    column 24, lines 47-55) any other node on the graph structure to see the contents of the

    desired node. Bates clearly shows several levels and subject matter specific category

    nodes can be displayed (See column 33, lines 10-15).

With respect to **dependent claim 2,** Bates teaches a system for tracking the navigation and

browsing of electronic media, and facilitating the changing of navigation and browsing path, the

system comprising a computer configured to display to a user pages of content within an inter-

linked content structure comprising at least three category levels, and to enable the user to

retrieve at will with any one single click any desired content page within inter-linked content structure

from a display of every other content page of the inter-linked content structure (Bates column 6,

lines 37-60 and Bates figure 1). Bates clearly teaches a system that allows the user to map a

navigation path through a series of documents on the internet. Bates shows the inter-connected

pages can be shown in any number of levels (See column 32, lines 10-20). Bates clearly teaches

the user can view content in one node, via the opened browser (See column 9, lines 10-25) and

can select through a single click (See column 22, lines 1-10 and column 24, lines 47-55) any

other node on the graph structure to see the contents of the desired node. Bates clearly shows

several levels and subject matter specific category nodes can be displayed (See column 33, lines

10-15). Bates teaches the node information is displayed in a browser window next to the node

(See column 7, lines 10-25). Bates teaches the linked nodes are visually adjoined to one another

via links between (See Bates column 7, lines 40-55).

With respect to **dependent claim 9,** Bates teaches the *system wherein the system has a selectable*

number of category levels (Bates column 32, lines 14-25).

With respect to **dependent claim 10,** Bates teaches the *system, wherein the system has a selectable*

*number of category titles in each category level (*Bates column 33, lines 5-15).

With respect to **dependent claim 11,** Bates teaches the *system, wherein the system is implemented*

using software (Bates column 8, lines 29-35 and 60-67).

With respect to **dependent claim *14,*** Bates teaches the *system wherein a browser can browse the*

categorization structure independently of any media content displayed on the display device. (Bates

column 22, lines 1-10 and figure 1 and column 11, lines 50-67 and column 15, 45-67). Bates teaches

a browser, meaning a user, can browse the structure visually and can select any one of the nodes

displaying content on the display device.

With respect to **dependent claim 15,** Bates teaches the *system wherein a browser can navigate and*

browse the different category titles in the different category levels of the categorization structure

without having to select and retrieve a page of media content from the storage device and without

having to navigate back and forth between different pages of media content Bates column 22, lines 1-

10 an figure 1 and column 11, lines 50-67 and column 15, 45-67). Bates teaches a browser window is

open for each node on the map, which would allow the user to see content without having to navigate

back and forth between the pages.

With respect to **dependent claims 20 and 21,** Bates teaches the *system wherein a browser can navigate back and forth between a category title in a first category level and a category title in a second category level of the categorization tree structure* (Bates Figure 1 and column 11, lines 45-67 and column 25, lines 45-67). Bates teaches a process of opening a browser window for each node on a tree. Nodes are displayed in a parent and child arrangement where connected nodes are shown in a first, second, third, nth, level arrangement. Bates teaches the user can view the map and can allow the user to navigate between the nodes with a click (See column 24, lines 47-55) and where the nodes can be subject specific matter (See column 22, lines 1-25). Further, there is no restriction on the user from navigating or viewing sections of the map and the user can click on any adjoining or non-adjoining section of the map or sub-map and can even dynamically generate maps to navigate new structure.

In regard to **claims 24-25 and 29,** claims 24-25, 29 reflect substantially similar subject matter as presented in claim 1 and 2, and in further view of the following, are thus rejected along the same rationale. As mentioned in the rejection above, Bates teaches a navigation mechanism that allows a user to view an entire categorization structure (See column 6, lines 35-67 and figure 1) but also allows the user to select nodes anywhere on the map (See column 24, lines 47-55), The nodes on the map represent a root or parent node and the corresponding nodes displayed below the root are child or connected nodes. By selecting a new sub-map the user can chose different browsing paths for different subject matter from another path displayed in the map. Non-adjoining nodes from another subject can also be placed on the map allowing subject matter from other areas to be displayed to the user. Bates teaches several different mechanisms for allowing the user to select a node, which can be a subject matter specific node on the map that represents another sub-map (Bates column 22, lines 1-15 and column 23, lines 40-50 and column 24, lines 47-55 and column 26, lines 60-67 and column 27, lines 1-35 and column 29,lines 50-67).. Bates teaches the node could be a minimized collection of sites that are not a frequently used and iconified. Further, Bates teaches the ability to link subject specific maps to one another even if

there isn't a specific link to the map and iconifying the subject specific info, which is a hidden

structure that can be retrieved with a single or double click (See column 29, lines 35-41).

Claim Rejections - 35 USC § 103

5.   **The following is a quotation of the appropriate paragraphs of 35 U.S.C. 103 that form the**

basis for the rejections under this section made in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as

set forth in section 102 of this title, if the differences between the subject matter sought to be

patented and the prior art are such that the subject matter as a whole would have been obvious

at the time the invention was made to a person having ordinary skill in the art to which said

subject matter pertains. Patentability shall not be negatived by the manner in which the invention

was made.

6.   **Claims 3-8, 16-19, 22-23 are rejected under 35 USC 103(a) as being unpatentable over**

Bates et al. (hereinafter Bates) U.S. Patent No. 5877766 issued Mar. 2, 1996 and filed Aug.

15, 1997, in view of Finseth et al. (hereinafter Finseth) U.S. Patent No. 6,271,840 Aug. 7,

2001 and Filed Sept. 24, 1998.

With respect to **dependent claim 3,** Bates teaches the *system wherein link tokens of one or*

more category titles in a first category level of the plurality of nested cascading category levels

are displayed for viewing on a display device (See Bates figure 1 and column 6, lines 37-60).

Bates does not expressly teach the structure is displayed *in response to placing a cursor on a*

starting symbol representing a gateway to viewing the categorization structure displayed on the

display device, <u>without clicking</u>

Finseth teaches that a search result is presented to the user and the user can place the cursor over the result and in either a popup or frame or representation next to the result and image map appears showing the content linked to the first result (Finseth Figures 5-8 and column 8, lines 45-67 and column9, lines 5-20 and column 10, lines 1-15). The subsequent information is presented to the user with or without clicking on the content and the subsequent information can comprise links to further information that would also comprise image information for subsequent links. The hidden structures are not displayed until the user moves the cursor over the link and the titles contain link tokens to the information (See column 5, lines 10-20). Bates and Finseth teach displaying search results and displaying HTML maps. They both also teach a process of displaying to the user in a browser window the search results without removing the other search information from the display.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Finseth and Bates in front of them, to combine the Java Script controls in Finseth to allow the browser window to popup without clicking with the browser popup in Bates to allow the browser to popup without clicking. Bates teaches capturing a variety of events on the browser window, which can be JavaScript events (See column 6, lines 50-52) and column 14, lines 1-15) and Finseth describes a specific example of a JavaScript event to open a browser window, which is the motivation to combine the two references. Moreover, Bates teaches navigation and display features known in conventional GUI systems can include displaying frames within the map display and Finseth teaches the contents of a frame within a browser would change according to aspects within JavaScript.

With respect to **dependent claim 4,** Bates teaches the system, wherein the link-tokens of one or more category titles in the first category level are displayed on the display device underneath the starting text-string or a symbol representing the gateway to viewing the categorization structure (Bates column 25, lines 30-45 and column 25, lines 57-62 and column 31, lines 55-67 and column 32, lines 49-60and column 33, lines 32-40).

With respect to **dependent claim 5,** Bates teaches the system wherein placing the cursor on one link-token of the link-tokens of one or more category titles in the first category level causes the title corresponding to the one link-token to be highlighted and causes a second category level having a second plurality of titles to be displayed alongside the first category level, the plurality of titles in the second category level being sub-categories of the category title highlighted in the first category level (Bates column 25, lines 30-45 and column 25, lines 57-62 and column 31, lines 55-67 and column 32, lines 49-60 and column 33, lines 32-40 and). Bates teaches an automatic map display that is generated within an existing map that indicates highlights and filters the tree based on the search criteria and by selecting a given node to present a popup menu (See column 32, lines 25-35). Bates teaches that in large tree maps it may be useful to indicate to the user through visual indicators the association with other nodes. Therefore, based on a search event that can be generated by placing a cursor over a node in the first or root node, the node can be highlighted and the sub-nodes matching the search criteria can be also displayed to the user. Bates shows the nodes directly displayed underneath one another in figure one. If the nodes, where directly under one another as shown in figure 1, 62, 76, 66, etc then the displayed information in the browser window would be displayed alongside the first category level.

With respect to **dependent claim 6,** Bates teaches the *system wherein the titles in the first category level are displayed in a first listing-area with the titles listed one under the other* (Bates column 25, lines 30-45 and column 25, lines 57-62 and column 31, lines 55-67 and column 32, lines 49-60and column 33, lines 32-40). Bates specifically teaches displaying information within menu systems (See column 6, lines 50-67).

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With respect to **dependent claim 7,** Bates teaches the *system wherein the titles in the second category level are displayed in a second listing-area with the titles listed one under the other*(Bates column 25, lines 30-45 and column 25, lines 57-62 and column 31, lines 55-67 and

column 32, lines 49-60and column 33, lines 32-40). Bates specifically teaches displaying

information within menu systems (See column 6, lines 50-67). Bates also teaches that each level

contains a browser window where a first level has a browser and the second level has a browser

that can display search results or links in a sub-map.

With respect to **dependent claim 8,** Bates teaches the *system, wherein placing the cursor on*

one of the category titles displayed in the second category level causes said title to be highlighted

and causes a third category level having a third plurality of category titles to be displayed

alongside the second category level, the plurality of titles in the third category level being sub-

categories of the highlighted title displayed in the second category level (Bates column 25, lines

30-45 and column 25, lines 57-62 and column 31, lines 55-67 and column 32, lines 49-60 and

column 33, lines 32-40 and). Bates teaches an automatic map display that is generated within an

existing map that indicates highlights and filters the tree based on the search criteria and by

selecting a given node to present a popup menu (See column 32, lines 25-35). Bates teaches

that in large tree maps it may be useful to indicate to the user through visual indicators the

association with other nodes. Therefore, based on a search event that can be generated by

placing a cursor over a node in the first or root node, the node can be highlighted and the sub-

nodes matching the search criteria can be also displayed to the user. Bates shows the nodes

directly displayed underneath one another in figure one. If the nodes, where directly under one

another as shown in figure 1, 62, 76, 66, etc then the displayed information in the browser

window would be displayed alongside the first, second and third category level.

With respect to **dependent claims 16 and 19,** Bates teaches the *system wherein the categorization*

structure resides with the pages of media content but is not displayed on the display device with the

media content until a browser places the cursor on the starting symbol (Bates column 14, lines 1-20

*and Figures 5-8).*Bates teaches the interface responds to a variety of event on the display, which can

include requiring the user to click on a node to open the browser. However, Bates does not teach the

user places the cursor over the window and the window is opened without clicking. This limitation has

been addressed in the above rejection of claim 3. As mentioned in the above discussion, it would

have been obvious to one of ordinary skill in the art at the time of the invention, to apply the teachings

of Finseth to Bates to provide the missing limitation of opening a browser window, without the user

clicking, based on a JavaScript event. Bates suggests using JavaScript within a browser window and

Finseth provides a specific example of using JavaScript to open a window, which is the motivation to

combine the two references.

With respect to **dependent claim 17,** Bates teaches the *system wherein the media content are the*

pages of a web site (Bates column 13, lines 20-35 and column 6, lines 36-57).

With respect to **dependent claim 18,** Bates teaches the *system wherein a browser can navigate and*

browse the different category titles in the different category levels of the categorization structure

without having to down load a web page from the storage device and without having to navigate back

and forth between different web pages (Bates column 28, lines 1-25 and column 29, lines 35-50).

Bates teaches a caching mechanism that provides the web pages locally so that the browser pages

do not have to be downloaded to the system and can provide access to the pages by the user. The

map can indicate which pages are locally stored and remotely stored and can provide the user with

the ability to update the pages. As shown in claim 1, Bates teaches a process of allowing the user to

navigate through the structure without having to switch back and forth between pages.

In regard to **Independent claim 22,** Bates teaches a *system for navigating and browsing electronic*

media, comprising:

- *A device for viewing of digitally stored information, the device being configured to display*

  at least portions of a categorization tree structure having a plurality of cascading category

lists, each list displaying of the plurality of cascading category lists comprising a plurality of category titles to electronic media content stored on at least one storage device (Bates, column 6, lines 30-36) Bates shows a nested categorization structure with connected nodes. Bates shows the media items in a nested in structure (see figure 1). Bates teaches a parent child node structure where Parent nodes are displayed as bars and child nodes extend from the bars and represented by circles on the bars see column ten lines 25 -60. Bates teaches that each node in the structure are represented as HTML documents and can represent a variety of media types (See column 13, lines 20-35). The nodes are linked by association either directly or indirectly and are represented as such through a series of interconnected linkages. Bates further teaches the structure can be applied to databases and **menu systems** (See column 6, lines 60-67).

- *Each category title having a selectable link-token to the stored content file for said <u>each</u> category title, wherein the device is configured to display one or more link-tokens comprised in the stored content file for said each category title in response to placement of a cursor on the selectable link token of said each category title (*Bates column 6, lines 35-60) Bates shows the linked objects can be multimedia items consisting of moving images, sounds, animations, HTML documents etc. Bates further teaches the linked records can be a vocal or on a wide area network and show information from a database or menu system (See Column 6, lines 60 – 67 and column 13, lines 20-35). Bates teaches events can transpire using JavaScript to open a window (See column 14, lines 1-20 and column 6, lines 5—55).

- *whereby the system enables and the category titles in the different plurality of category lists able to be browsed independently of selecting and retrieving stored content files for any title from the at least one storage device (*Bates column 22, lines 1-10 an figure 1 and column 11, lines 50-67 and column 15, 45-67). Bates teaches a browser, meaning a user, can browse the structure visually and can select any one of the nodes displaying content on the display device.

- (Finseth column 8, lines 40-67 and column 9, lines 1-20 and column 10, lines 1-20).
  Finseth teaches the user can move a cursor of media content on the display where the
  content comprises nested structures and the movement of the cursor will cause an image
  to appear showing the content of the hyperlink to the user without the user clicking on the
  image. Further, the image will also contain link tokens for the user to select to see the
  subcategory items and where the link tokens are independent titles and the information
  can be stored in cache or on a disk in the device.

- Wherein the categorization structure enables a user viewing content from **any** category
  title in the categorization structure to retrieve content of any other category title in the
  categorization structure using a single retrieval command (See Bates figure 1). Bates
  clearly teaches the user can view content in one node, via the opened browser (See
  column 9, lines 10-25) and can select through a click (See column 22, lines 1-10 and
  column 24, lines 47-55) any other node on the graph structure to see the contents of the
  desired node. Bates clearly shows several levels and subject matter specific category
  nodes can be displayed (See column 33, lines 10-15).

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Bates does not expressly teach:

Without clicking on or invocation of the selectable link token of said each category title,

Finseth teaches that a search result is presented to the user and the user can place the cursor
over the result and in either a popup or frame or representation next to the result and image map
appears showing the content linked to the first result (Finseth Figures 5-8 and column 8, lines 45-
67 and column9, lines 5-20 and column 10, lines 1-15). The subsequent information is presented
to the user with or without clicking on the content and the subsequent information can comprise
links to further information that would also comprise image information for subsequent links. The
hidden structures are not displayed until the user moves the cursor over the link and the titles

contain link tokens to the information (See column 5, lines 10-20). Bates and Finseth teach

displaying search results and displaying HTML maps. They both also teach a process of

displaying to the user in a browser window the search results without removing the other search

information from the display.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of

the invention, having the teachings of Finseth and Bates in front of them, to combine the Java

Script controls in Finseth to allow the browser window to popup without clicking with the browser

popup in Bates to allow the browser to popup without clicking. Bates teaches capturing a variety

of events on the browser window, which can be JavaScript events (See column 6, lines 50-52)

and column 14, lines 1-15) and Finseth describes a specific example of a JavaScript event to

open a browser window, which is the motivation to combine the two references. Moreover, Bates

teaches navigation and display features known in conventional GUI systems can include

displaying frames within the map display and Finseth teaches the contents of a frame within a

browser would change according to aspects within JavaScript.

In regard to **dependent claim 23,** as indicated in the above discussion Bates in view of Finseth

teaches every element of claim 22.

Bates teaches a *method for navigating and browsing electronic media* See figure 1 and column 11,

lines 50-67 and column 6, lines 35-60):

- Bates does not expressly teach *Placing the cursor of the system of claim 22 on a first selectable*

  link-token to the second content file for a first category title of said plurality of category titles;

  Viewing one or more link-tokens comprised in the stored content file for the first category title

  displayed in response to the step of placing.

 However, Finseth teaches that a search result is presented to the user and the user can place the

cursor over the result and in either a popup or frame or representation next to the result and image

map appears showing the content linked to the first result (Finseth Figures 5-8 and column 8, lines

45-67 and column9, lines 5-20 and column 10, lines 1-15). The subsequent information is presented

to the user with or without clicking on the content and the subsequent information can comprise links

to further information that would also comprise image information for subsequent links. The hidden

structures are not displayed until the user moves the cursor over the link and the titles contain link

tokens to the information (See column 5, lines 10-20). Bates and Finseth teach displaying search

results and displaying HTML maps. They both also teach a process of displaying to the user in a

browser window the search results without removing the other search information from the display.

   Accordingly, it would have been obvious to one of ordinary skill in the art at the time of

   the invention, having the teachings of Finseth and Bates in front of them, to combine the Java

   Script controls in Finseth to allow the browser window to popup without clicking with the browser

   popup in Bates to allow the browser to popup without clicking. Bates teaches capturing a variety

   of events on the browser window, which can be JavaScript events (See column 6, lines 50-52)

   and column 14, lines 1-15) and Finseth describes a specific example of a JavaScript event to

   open a browser window, which is the motivation to combine the two references. Moreover, Bates

   teaches navigation and display features known in conventional GUI systems can include

   displaying frames within the map display and Finseth teaches the contents of a frame within a

   browser would change according to aspects within JavaScript.

7. **Claims 12-13 are rejected under 35 USC 103(a) as being unpatentable over Bates et al.

    (hereinafter Bates) U.S. Patent No. 5877766 issued Mar. 2, 1996 and filed Aug. 15, 1997, in

    view of Katinsky et al. (hereinafter Katinsky) U.S. Patent No. 6452609 Sept. 17, 2002 and

    Filed Nov. 6, 1998.**

With respect to **dependent claims 12 and 13,** as indicated in the above discussion Bates teaches

every element of claim 1.

Bates teaches the system wherein when the cursor is moved from a category level having a plurality

of category titles which are sub-categories of a title in a higher category level, the category level with

the plurality of sub-category titles and all subsequent category levels (See Bates drag to select,

column 24, lines 1-40). Bates teaches the user can drag a display slider through one or mode nodes

displayed on the map, which can represent one or more levels and categories of information. Each

node can be subject specific matter that can represent a category (See column 22, lines 1-10). Bates

teaches the nodes can be displayed as a pop-up or a menu (See column 24, lines 20-36). Bates does

not specifically teach that the node cease to be displayed on the display device (Finseth column 8,

lines 50-67 and column 9, lines 1-20 and column 10, lines 1-20). However, these limitations would

have been obvious to one of ordinary skill in the art at the time of the invention, in view of Katinsky,

because Katinsky teaches a pop-up menu that will cease to exist as the user traverses it. Bates

suggests using a pop-up menu, and Katinsky is a specific example of displaying search results in a

pop-up menu. For example (See Katinsky figure 4-5 and 17). Katinsky teaches the user can browse a

menu item and if the menu has sub-items that the user browses that lower tree. The user can, while

holding the mouse, simply move back up the tree to the next higher level and select the next menu

item, which would cause the previous lower tree to cease to exist. The motivation to combine

Katinsky with Bates comes from the suggestion in Katinsky to display to the user a navigation path

through a menu and as Katinsky suggests select media object items without having to reload the

webpage (See column 2, lines 45-65) and can utilize the teachings of JavaScript and DHTML to

display a hierarchy of menu items to the user that can be rolled over and via a command the menu

can cease to exist because the user has selected another command (See column 14, lines 1-67).

A reference to specific paragraphs, columns, pages, or figures in a cited prior art reference is not limited to preferred embodiments or any specific examples. It is well settled that a prior art reference, in its entirety, must be considered for all that it expressly teaches and fairly suggests to one having ordinary skill in the art. Stated differently, a prior art disclosure reading on a limitation of Applicant's claim cannot be ignored on the ground that other embodiments disclosed were instead cited. Therefore, the Examiner's citation to a specific portion of a single prior art reference is not intended to exclusively dictate, but rather, to demonstrate an exemplary disclosure commensurate with the specific limitations being addressed. In re *Heck*, 699 F.2d 1331, 1332-33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re *Lemelson*, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)). In re: *Upsher-Smith Labs. v. Pamlab, LLC*, 412 F.3d 1319, 1323, 75 USPQ2d 1213, 1215 (Fed. Cir. 2005); *In re Fritch*, 972 F.2d 1260, 1264, 23 USPQ2d 1780, 1782 (Fed. Cir. 1992); *Merck & Co. v. Biocraft Labs., Inc.*, 874 F.2d 804, 807, 10 USPQ2d 1843, 1846 (Fed. Cir. 1989); *In re Fracalossi*, 681 F.2d 792,794 n.1,215 USPQ 569, 570 n.1 (CCPA 1982); *In re Lamberti*, 545 F.2d 747, 750, 192 USPQ 278, 280 (CCPA 1976); *In re Bozek*, 416 F.2d 1385, 1390, 163 USPQ 545, 549 (CCPA 1969).

Response to Arguments

8.   Applicant's arguments filed 016/19/2008 have been fully considered but they are not persuasive.

Applicant's argument that multiple retrieval commands are necessary to retrieve a document

Applicant argues that the map display of Bates is constructed dynamically based on user navigation through linked records and requires more then one command to retrieve a document from the map and therefore does not meet the limitations of claim 1 (See argument page 12, top). The Examiner disagrees.

First, it is noted that applicant cites column 16, lines 14-16, as the support for their first argument. Granted one can determine from the cited section that in the construction of the Map of Bates a user can add nodes to a map display by selecting them. The map displays are updated with new nodes and therefore the Examiner can see that the applicant believes that all maps are constructed dynamically and therefore the opinion would be that more then one command is needed. However, the Examiner referred to the embodiment where the map is already created for the user and the add command is a custom feature that may not be granted to the user (See column 16, lines 39-67). But, as Bates teaches a user may have the map and can select items in the map, which would provide a structure, levels of information and the ability for the user to see the entire structure from the map. Nothing in the claim refers when the structure is created. The Examiner believes a reasonable interpretation of Bates is that the map display can be one of a map of frequently visited cites, as described in column 22, top. For example, Bates teaches a

map can be used to **revisit as he or she desires (See also column 26, lines 35-46).** Also, the

map may display link several maps together to allow the user to browse from map to map.

Therefore, with several maps joined together and with maps having been previously created

allows the user view several structures as one map. The user with a single click can select a

document for retrieval from any node in the structure, hence the purpose of the combined Map

(See column 22, lines 1-26). Further, the user can use the bounded drag feature, which is a

single command, to dray a slider across elements and the system in real time will display the

contents of each node (See column 22, lines 25-27 and 24, lines 47-55), as a **"same input

operation"** is a single command.

Applicant's argument that Bates does not teach a starting symbol for a gateway to a category

Applicant argues that Bates does not teach a symbol for a gateway that allows for viewing of

interlinked web pages because the applicant argues that each of web pages in Bates are not

maps so they would not provide a symbol into a structure (See argument page 13).

The examiner disagrees.

Bates expressly teaches that the node display element objects can be multimedia objects,

images, animations, icons etc and Bates teaches that a node may be a subject specific map (See

column 22, lines 1-15 and column 13, lines 15-37). Therefore, if a node can be shown as an

alphanumeric representation or object with a visual, color or as an icon, then surely the nodes are

symbols displayed on the interface. Further, Bates teaches the paths can be minimized and

iconified on the interface to expand when the user selects the icon for the purposes of shrinking

the map. Bates also teaches a node can be displayed where elements of a given subject matter

are important (See column 27, lines 1-17). To wit, a graphical symbol on an interface can almost

be any type of graphical object or character having a visual identification of some type. Coupled

with the subject specific node structure Bates teaches, it is reasonable that Bates provides the

structure to display a symbol that allows the user to select it to retrieve interlinked web pages.

Applicant argues the motivation to combine cited by the Examiner is insufficient

Applicant argues that the motivation provided by the Examiner recites what could be done by

does not provide a rationale as to why one of ordinary skill in the art would have been motivated

to combine the teachings of Finseth and Bates (See argument page 13, middle).

The Examiner disagrees.

The Examiner provided two examples as to why one of ordinary skill in the art would have been

motivated to combine the teachings of Finseth with the teachings of Bates. First, the Examiner is

applying the standard by which one of ordinary skill in the art to be someone of two to three years

of programming experience and someone whom has a computer science degree. In this case, a

programmer in the common art of web programming would be familiar with JavaScript scripts.

Bates teaches using JavaScript scripts within an HTML document that are executable objects

embodied within the node elements (See column 25, lines 30-45) to open a new browser window.

Finseth teaches a specific example of executing a JavaScript routine to open a browser window.

The Examiner argues that Bates and Finseth both teach displaying HTML maps. The MPEP

provides an example (see 2144 (I)) that the rationale to modify or combine the prior art does not

have to be expressly stated in the prior art and can be reasoned from knowledge generally

available in the common art. MPEP 2144.06 teaches that art recognized equivalence for the

same purpose can be used as a rationale to combine. In this example, the Examiner has argued

that the teachings of Bates and the teachings of Finseth specifically teach the process of opening

or activating (See Finseth column 8, lines 63-67 and column 9, lines 1-5) a window or function on

a webpage through the use of JavaScript. The skilled artisan would understand that the implied

teachings of using JavaScript in Bates to perform a function within a document to allow the user

to navigate through linked documents is equivalent to the structure as taught in Finseth. Because

they both provide the same purpose for allowing a user to navigate through web pages using

JavaScript, and therefore provides the motivation to combine. Moreover, JavaScript: the definitive

guide by David Flanagan has been in print since 1996 which clearly describes how to handle a

JavaScript event to open a window and is common knowledge in the art of programming. The

intrinsic evidence in this argument is that the references themselves teach using JavaScript and

the extrinsic evidence shows the commands to open a window or navigate within a document

were known prior to the filing of the patent of Bates. In summary, it would have been obvious to

try to combine the teachings of Bates and Finseth because they both teach JavaScript.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from

the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date

of this final action and the advisory action is not mailed until after the end of the THREE-MONTH

shortened statutory period, then the shortened statutory period will expire on the date the advisory action

is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX

MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should

be directed to STEVEN B. THERIAULT whose telephone number is (571)272-5867. The examiner can

normally be reached on Mon.-Fri. 10 am - 7 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this

application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC)

at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative

or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-

1000.

/Steven B Theriault/
Examiner
Art Unit 2179